To: R2 EPA Region 2 (EPA Staff)[R2_EPA_Region_2_EPA_Staff@epa.gov]
From: Shore, Berry
Sent: Mon 4/4/2016 2:24:56 PM
Subject: Morning Clips

NJ lawmakers looking into state's aging water infrastructure
April 4, 2016, 7:27 AM
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Associated Press

TRENTON, N.J. (AP) — New Jersey lawmakers worried about lead that was found in the Newark public schools' drinking water are holding a hearing to look more closely at the state's aging infrastructure.

The Assembly's Environment Committee is set to meet Monday afternoon to consider the state's drinking water pipes and whether there is a threat of lead contamination to residents.

The hearing comes after elevated levels of lead caused officials in New Jersey's largest school district to shut off water fountains at 30 school buildings last month until more tests could be conducted.

Newark schools released data last week showing that lead above the federally recommended threshold had been found in eight facilities used by city and charter schools.

EPA intervenes in CWM landfill fight: Agency says rules bar more discharge into river
by Thomas J. Prohaska |
on April 3, 2016 - 12:01 AM
News Niagara Reporter

PORTER – The U.S. Environmental Protection Agency has weighed in on the discharge of toxic chemicals from a proposed new CWM Chemical Services landfill, and its intervention is good news for the opponents of the plan, according to an attorney for local governments.

That attorney, Gary A. Abraham, said last week that CWM can't operate a landfill without a permit to discharge treated leachate or precipitation runoff, something the company has been doing for years. The leachate and runoff are collected in ponds at CWM's site on Balmer Road, straddling the Lewiston-Porter town line. It's treated on site before being pumped into the Niagara River.

The EPA's March 21 letter said the 1995 Great Lakes Initiative and resulting regulations bar CWM from discharging any more material into the river than it already does. That policy established stringent standards for discharges of mercury, PCBs and dioxin.

"Even if CWM provides a demonstration of economic need for this expansion, the requirements … mandate that no lowering of water quality shall be allowed, under any circumstance," wrote Alyssa Arcaya, section chief of the EPA's Clean Water Regulatory Branch. "The Niagara River is also on the list for impairments due to PCBs and dioxin in contaminated sediments, and there is a fish consumption advisory. The Niagara River is not achieving its best use."

CWM spokeswoman Lori A. Caso said, "After reviewing the letter and given the already stringent limits involved in our existing process and our dedication to compliance, we remain confident that the issues can be resolved."

Arcaya rejected the state Department of Environmental Conservation's proposal to allow CWM to discharge more chemicals into the river if and when its new landfill opens. It ordered the DEC not to allow such an increase for any reason. Instead, the letter said, the DEC "should be requiring the off-site treatment of leachate, or an alternative solution that decreases the discharge of (chemicals)."

Abraham predicted that CWM can't meet these standards. "So it looks like CWM has run up against a wall," he said. "There is no allowance for any discharge of this material. CWM must find another way of treating water from their site and taking it outside the Great Lakes basin for disposal."

The DEC, which had tentatively approved a new water discharge permit for CWM, will rewrite it to address the EPA's concerns.

Caso said CWM expects a status report on the talks between the DEC and the EPA by April 25.

Abraham is representing Niagara County, the Town of Lewiston and the villages of Lewiston and Youngstown in the process, in which a siting board is to decide whether to recommend a new landfill to the DEC commissioner.

The Lewiston-Porter School District, the Niagara County Farm Bureau and Residents for Responsible Government, a western Niagara County environmental group, also are parties, as is Amy H. Witryol of Lewiston.

Besides the water permit, there is a issue over an air emissions permit that CWM also needs. The company owns land that was part of the Lake Ontario Ordnance Works, where the federal government stored nuclear waste from the World War II atomic bomb project and postwar atomic projects carried out by local industries.

Abraham said one of the objections is the construction and operation of the new landfill might release radioactive material in the dust churned up by the work.

Daniel P. O'Connell, the DEC administrative law judge presiding over the process, told the players that once the air permit application goes through a public comment period, he might allow new parties to enter the fray, but only on the air and water discharge issues.

In December, O'Connell made a lengthy ruling about what topics should be part of a trial-like "adjudicatory hearing" on the landfill application.

He now wants a hearing sometime between July and September on subjects that weren't appealed by any of the parties after his December ruling. The water and air discharge permits would not be part of the proposed summer hearing.

That hearing could include topics such as traffic, noise and consistency of the landfill with localities' comprehensive plans.

Caso said that O'Connell "requested that the parties work together to group the hearing issues into manageable parts with separate blocks of time for each. The hearing would continue, on and off, until all issues had been heard."

But there is no schedule yet for a hearing on the more contentious topics.

Caso said, "Yes, this is a time-consuming process, but it should assure the community that all concerns have been addressed. Once we receive our permit, the public can be certain that nothing was overlooked."

One important topic is the flow of groundwater on the CWM property – specifically, whether it flows west toward the Lewiston-Porter school campus. If it does flow west, and the landfill opponents say it does, that means leaks from the landfills would carry toxic chemicals toward the school.

In support of a DEC staff appeal on O'Connell's ruling that the water flows west, Caso said CWM is drilling five new monitoring wells and six separate soil borings "to add to the factual record, to confirm site geologic and hydrogeologic aspects, and to further confirm that the proposed landfill could be monitored in a manner consistent with regulatory requirements."

Meanwhile, Abraham's bills to the county, examined by The Buffalo News, show that the anti-CWM effort has cost taxpayers $728,801 since Abraham was hired in 2004 to fight CWM, including $167,090 in the past 12 months. The total includes the cost of expert witnesses and paralegal services.

Abraham said he doesn't expect to bill very much in the next few months. "I think it will be less because of these delays," he said.

But eventually the hearings will start, and those will be expensive, he acknowledged. Abraham will call in the four experts he relies upon: Anirban De of Yonkers, on landfill engineering; Marvin Resnikoff of Bellows Falls, Vt., on radiation; A

ndrew Michalski of South Plainfield, N.J., for hydrogeology; and Ranajit Sahu of Alhambra, Calif., on soil erosion.

In the past year, Abraham billed the county $71,450 for his own services, which cost $220 an hour, a price that rose to $240 an hour as of Jan. 1. The experts received a total of $77,785. They all charge $165 an hour, except for Resnikoff, who bills $100 an hour. Other costs included paralegal services, mileage, local lodging at Lewiston's Barton Hill Hotel during last year's issues conference in Youngstown, and copying and printing.

County Attorney Claude A. Joerg said the county and the Town of Lewiston alternate $50,000 appropriations to pay A braham and his team, and when one runs out, the other government comes up with the next $50,000. The villages don't contribute financially.

"That's how it's worked historically," Joerg said. "The Legislature's been made aware this is the most expensive part of it. It is a lot of money, there's no question about it."

EXCLUSIVE: Critics blast de Blasio's flood protection plan for leaving low-income areas vulnerable
BY Erin Durkin
NEW YORK DAILY NEWS
Monday, April 4, 2016, 4:00 AM
Mayor de Blasio's ambitious environmental plan leaves many low-income waterfront neighborhoods vulnerable to climate change, advocates charge in a new report.

Five of the six low-income communities of color designated as "significant maritime and industrial areas" — the South Bronx, Brooklyn's Sunset Park, Newtown Creek between Brooklyn and Queens, Brooklyn Navy Yard, and the north shore of Staten Island — are not slated to get integrated flood protection systems under the OneNYC plan, according to the New York City Environmental Justice Alliance.

Red Hook, Brooklyn, the sixth neighborhood, is in line to get flood protection, while the city and feds are spending hundreds of millions on flood protection in lower Manhattan.

"These are our homes, and we recognize their unique vulnerabilities," said Eddie Bautista, Environmental Justice Alliance executive director.

In addition to being at risk for flooding, he said, the neighborhoods are particularly vulnerable because surging storm water could spread toxins from the many nearby industrial sites.

"There needs to be a sense of urgency to this," Bautista said. "They keep saying they're committed to raising the money, but there's no hard indication of where the money's coming from."

City Hall officials say all the neighborhoods are part of their coastal protection plan and they're aggressively looking for more funding, and note that in addition to investments in Red Hook and neighborhoods like Coney Island and the Rockaways, their Manhattan project has prioritized a swath of the Lower East Side that is home to several NYCHA developments and was severely damaged during Hurricane Sandy.

"The de Blasio administration has made environmental justice —and the intersection of environmental and economic sustainability — a centerpiece of our work," said de Blasio spokeswoman Amy Spitalnick.

"That focus is deeply entrenched in all of our OneNYC initiatives and the entire work of this administration, from building coastal resiliency and improving air quality in the vulnerable communities on the front lines of climate change, to moving forward an increased minimum wage and the other policies that will help lift 800,000 New Yorkers out of poverty."

She said a OneNYC progress report set for release this spring will build upon the mayor's existing plan.

EJA's report also charges the mayor's pledge to cut greenhouse gas emissions by 80% by 2050 is an "ambitious goal which lacks teeth," since there is no detailed plan to cut emissions coming from buildings.

And the group says the city has not done enough to push wind power, saying the de Blasio administration should pursue a

plan to build offshore wind power from a farm on Long Island.

They also say the OneNYC blueprint ignored the issue of lead contamination, often a public health problem in low income neighborhoods.

De Blasio's aides say a detailed emissions reduction plan from a working group they have formed is coming soon, and note New York has already decreased lead poisoning rates in kids by 80%.

How much lead is in your water?: Straus News takes a closer look at water quality
Published Mar 4, 2016 at 6:01 am (Updated Mar 3, 2016)
BY ERIKA NORTON
The West Milford Messenger

WEST MILFORD - With the recent exposure of elevated lead levels in the Flint, Michigan public water systems, many are wondering how much lead is in their water.

"In relation to everything that's going on in Flint, there's a new awareness," said Kelly Love, administrator for the West Milford Municipal Utilities Authority. "People should just be aware to get their water tested, but we (the West Milford Township MUA systems) are in the clear."

Total Confirmed Blood Lead Levels of ≥ 10 ug/dL in children tested in New Jersey 2010-2014:
Passaic County 0.5%
Surrounding counties:
Bergen County 0.3%
Morris County 0.3%
Sussex County 0.3%
Counties with the highest
percentages:
Cumberland County 1.2%
Salem County 1.4%

The Environmental Protection Agency requires that all community water systems prepare and deliver an annual water quality report called a Consumer Confidence Report (CCR) for their customers by July 1 of each year. The goal of these reports is to provide educational material, allowing consumers to make educated decisions regarding any potential health risks pertaining to the quality, treatment and management of their drinking water supply.

Preventing Lead Poisoning

Simple, low-cost steps parents can take to reduce their children's lead exposure, according to the New Jersey Department of Health:

Have children wash their hands frequently, especially before eating, after playing outside or on the floor, and before sleeping.

Wash toys and other objects young children handle and put in their mouths frequently.
Have everyone take off their shoes and leave them at the entrance to the home.
Keep children away from bare soil when playing outdoors.

Offer children a nutritious diet high in iron such as eggs, lean red meat, and beans. Offer children foods high in calcium such as dairy products (milk, yogurt, cheese).

Clean floors and windowsills at least weekly by using a damp mop or sponge and detergent.
Know if any paint has lead before undertaking any renovations or remodeling projects.
Remove leaded paint using special precautions called lead-safe work practices or by hiring a contractor that is certified by the EPA to perform renovations in homes built before 1978.
Use only cold tap water to prepare formula, for drinking and cooking.

Run water for 15 to 30 seconds before drinking it, especially if you have not used your water for a few hours.

Information found on these reports includes testing for microbiological contaminants like E. coli, radioactive contaminants, synthetic organic contaminants including pesticides and herbicides, volatile organic contaminants found in discharge from chemical factories, and inorganic contaminants like copper, mercury and lead. Additionally, in the state of New Jersey, these results are required to be posted on the Drinking WaterWatch page of the New Jersey Department of Environmental Protection website.

The results

Overall, the most recent testing results from the water systems used within the coverage area for The West Milford Messenger show a low level of lead. According to the EPA, the Action Level, or the concentration of lead contaminant that if exceeded, triggers treatment or other requirements, for lead is 15 ug/L (micrograms per liter). The highest level of lead was found by the Reflection Lakes Garden Apartments with 24 ug/L, which is extremely high. Efforts to contact Reflection Lakes Garden Apartments were unsuccessful.

The lowest levels were found by the United Water West Milford System, The West Milford Township MUA Greenbrook Estates system, The West Milford Township MUA Parkway system and the Woodland Heights Homeowners Association with 0 ug/L.

As explained within the Consumer Confidence Reports, the two main ways lead gets into water is by the corrosion of household plumbing systems and the erosion of natural deposits. Overall, West Milford hasn't had a problem with elevated lead levels, according to Love, but where they do see elevated levels periodically are in older homes where lead pipes or copper pipes were used.

"Usually when we test, we test for both lead and copper," Love said. "Sometimes we can get a copper hit, which is not in the system but in an individual's home, In which case it usually has to do with if they have old copper piping in their house. But lead, we never really have a problem with."

According to the EPA, homes built before 1986 have a higher likelihood of having lead pipes, fixtures and solder. Love said the West Milford MUA had an issue about six or seven years ago with older pipes in older homes, where there was a lot of copper being found, but not lead.

She also said the MUA randomly sends out notices encouraging homeowners to check their pipes if their house was built before 1984. The MUA went through all of the houses in their system and found out when they were built, so they could have the ability to test those older homes according to DEP standards - the older the home, the more the DEP requires it be tested.

"We really haven't had an issue in quite some time," Love said. "But there are older homes in town that people should be aware if they have old lead pipes, or they have copper, it could affect them. They definitely should have water tested, even if they're on a well, they should have their water tested for lead."

Private wells

Elevated levels of lead have also been found in water on properties where a private well is used, according to Emrick Seabold, acting administrator and health officer for the Sussex County Environmental and Public Health Services. Many times this is due to leaded solder holding the pipes together, but sometimes it can be environmental.

As far as private well testing, it's really up to the homeowner. The only time private well testing is required by law is when a home is being purchased, under the New Jersey Private Well Testing Act.

According to Seabold, once someone is in the home, they're not required to test their drinking water on an annual basis for any parameter. However, even though it is not required, he does recommend certain times when a homeowner should test their private well water.

"Certainly if you're having work done on your well or on the plumbing in your house, because for no other reason, you've opened up the system and the potential exists for contamination at that point - bacterial contamination as well as lead and those values," Seabold said. "In general, it's probably not a bad idea to test your house on an annual basis if you have a private well."

These annual tests should at least test for the basics, according to Seabold. This includes lead, pH, bacteria and nitrates.

"It would give you a general idea of how good your water is and then certainly if you have a problem, then you can look further," he said.

A representative from Aqua Pro-Tech Labs in Fairfield told The Messenger that the state-mandated testing necessary when selling a house costs $395. However, homeowners who want to test certain things in their water, including lead, can do lesser testing starting at $100.

Blood lead levels in children

The reason lead in water can be so dangerous is because, according to the EPA, infants and children who drink water containing lead in excess of the Action Level could experience delays in their physical or mental development. In children, these effects include slight deficits in attention span and learning abilities.

The EPA also says that lead can accumulate in our bodies over time, where it is stored in bones along with calcium. During pregnancy, lead is released from bones as maternal calcium and is used to help form the bones of the fetus, especially in women with not enough calcium in their diet.

Lead can also cross the placental barrier exposing the fetus the lead, according to the EPA. This can result in serious effects to the mother and her developing fetus, including reduced growth of the fetus and premature birth.

The EPA adds that adults who drink this water over many years could develop kidney problems or high blood pressure.

The Centers for Disease Control and Prevention, along with individual state's departments of health, collect childhood blood lead surveillance data for children under three years of age. In addition, under New Jersey law, at 12 months and 24 months of age, children are to be screened for lead poisoning, which health insurance companies are required to cover.

If a child is tested and is found to have equal to or more than 10 ug/dL of lead in their blood, they are considered to have an elevated blood lead level. According to the CDC, only 0.5 percent of the children tested had an elevated blood lead level in Passaic County in 2014, and the entire state had a relatively low blood lead level, except for Cumberland and Salem Counties.

What can parents do to keep their families safe from lead?

According to Seabold, the average person can get a kit for which to test for lead paint at places like Home Depot and Lowes. And if an individual's home is older, someone can come and check for lead.

"Keep your children away from home improvement projects, especially where you're going to be sanding or scraping paint, or power washing the outside of your home because many times that brings down paint chips onto the soil and then kids play in that area and they pick them up and ingest them," he said.

The New Jersey Department of Health also has a list of recommendations, including run water for 15 to 30 seconds before drinking it, especially if you have not used your water for a few hours, and to use only cold tap water to prepare formula, for drinking and cooking. This is because water that comes out of the tap warm or hot can contain much higher levels of lead, and boiling water will not reduce the amount of lead.

For more information on lead in drinking water, contact the NJDEP Bureau of Safe Drinking Water at 609-292-5550 or the EPA Safe Drinking Water Hotline at 1-800-426-4791.

Health Scare at Malibu School Sets Off Media War
By IAN LOVETT
APRIL 4, 2016
NY Times

Juan Cabrillo Elementary, one of the schools on a campus where levels of PCB contamination have been detected. Credit Monica Almeida/The New York Times

MALIBU, Calif. — The high school here is ranked among the best in the country, with students each year moving on to Ivy League colleges. The location, on a hill down the block from the beach where Baywatch was filmed, offers a multimillion dollar view of the Pacific Ocean.

Yet parents here have been yanking their children out of Malibu High School, concerned about PCBs, the highly toxic chemical compounds, that have been found in caulking of the school's windows.

A battle over how to handle the PCBs, which were first discovered three years ago, is now convulsing this famously wealthy beach community, with stay-at-home moms, television stars and a supermodel pitted against one of the most elite public school districts in the country.

The Santa Monica-Malibu Unified School District insists that its classrooms are safe; the Environmental Protection Agency agrees.

But not all parents and teachers are convinced: They blame PCBs for an array of maladies, including migraines, thyroid cancer and common colds, and they have sued to compel the district to remove all contaminated caulking. A judge ruled last week that the lawsuit could move forward.

In the meantime, school board meetings have turned chaotic, with parents shouting down district officials and calling them liars.

"The school district is telling us our kids are safe, but that's what they were telling parents in Flint, Mich.," said Jennifer deNicola, a mother of an eighth grader and a 10th grader who has spearheaded the push to remove PCBs. "We know there's a problem, and they refuse to acknowledge it."
But school and health officials insist that simply because PCBs are in the building materials does not mean the students are at risk of exposure. The school district tests the air in classrooms — the primary medium through which children could be exposed — and cleans regularly to reduce dust from the caulking, school officials said.

"Just because something is present doesn't mean it can cause harm," said Doug Daugherty, a managing principal at Ramboll Environ, the environmental consulting firm the district has hired.

The district has already spent millions of dollars on lawyers, environmental consultants and a public-relations campaign.

But, this being Malibu, parents have waged their own media campaign, complete with environmental experts and celebrity advocates. Cindy Crawford, the supermodel, has gone on national television to explain why she pulled her two children from Malibu High, and offered to pay to test caulking for PCBs throughout the campus, which also includes an elementary school and a middle school. (Her offer was declined.)
Cindy Crawford at the Malibu Unites for PCB Free School Zones (unedited) Video by America Unites for Kids

PCBs, or polychlorinated biphenyls, were widely used in building materials and electronics until they were banned in the late 1970s, and they remain in many older buildings. Research from the Harvard School of Public Health estimated that the substances could be present in upward of 20,000 schools nationwide. The compounds have been linked to cancer, immune problems and lower I.Q.s among children.

Federal law requires that any building materials found to contain PCBs be removed. But to the chagrin of parents here, there was no requirement to test the caulking in the first place.

The E.P.A. has endorsed the district's approach to handling the PCBs in its buildings. And scientists who studied PCBs in New York City schools said this method — of testing air quality and cleaning assiduously — was very effective.

Laurie Lieberman, the president of the Santa Monica-Malibu Unified school board, said that the administration had confidence in the safety of its facilities and has been doing its best to reassure parents.

"We have tremendous empathy for people who are fearful and scared," Ms. Lieberman said. "We've really tried to explain why the schools are safe now."

Malibu parents have a history of skepticism about official health advice, including routine childhood vaccinations: At some local elementary schools in 2014, less than 60 percent of kindergarten students had received the full lineup of recommended vaccines, far below the state average.

In this case, the distrust on both sides became plain last fall, when supporters of caulking removal secretly took their own samples from classrooms and had them independently tested. Ms. deNicola announced that the results showed extraordinarily high levels of PCBs. The school district asked the sheriff's office to investigate her for trespassing and vandalism.

The battle now threatens to tear apart the school district: Concern over PCBs has fueled an existing effort here to break away from Santa Monica so that Malibu can be in control of its own schools.

Beth Lucas, a parent, pulled her son, Christian, out of Malibu High after their endocrinologist said it was especially dangerous for him to remain there. Christian, now 17, had a malignant brain tumor at age 6, and the radiation used to treat it left him with a diminished immune system and thus more vulnerable to the effects of PCBs, the doctor told the family.

"We moved to Malibu for the schools, so it has been a big slap in the face to have the school district treat the parents and teachers and children so poorly," Ms. Lucas said. She is also considering removing her daughter, who is in middle school, at the end of the year, but worried about the cost of private school.

"Yes, we live in this nice house," she said, sitting on a hilltop porch that overlooked a wide expanse of ocean. "I don't want to have to sell my house and leave Malibu. The district has put us in a horrible position."

Currently, only one of the seven school board members represents Malibu. He supports replacing the caulking, but has been voted down by board members who live in Santa Monica.

"I think the board members have convinced themselves that the science is right and the parents are overreacting," said Craig Foster, Malibu's representative on the school board, and the father of a seventh grader at the middle school here. "But what if in five years it turns out testing the air and dust wasn't enough? How do you sleep?"

Some other school districts across the country have acted more aggressively, often at the E.P.A.'s behest, to remove the source of PCBs. Parents here point to Clark Elementary School, in Hartford, Conn., as an example of a school district that handled matters responsibly: In that case, an entire school building was closed — and may be abandoned — because of PCB contamination.

But testing at Clark Elementary indicated elevated levels of PCBs in the air, whereas testing at Malibu High has not, E.P.A. officials said.

Jim Jones, an assistant administrator at the E.P.A., said the agency worked with schools to "get below the risk threshold using the best management practices."

"We're always trying to find what's a cheaper way," Mr. Jones said, adding that the caulking at Malibu High would all be replaced within several years as part of planned renovations**.** For now, he said, cleaning and ventilation were "far less costly than removal."

Probe to see if Great Kills Park contamination impacts seawall project

By Anna Sanders | asanders@siadvance.com
Email the author | Follow on Twitter
on April 02, 2016 at 8:00 AM, updated April 02, 2016 at 8:10 AM
Staten Island Advance

CITY HALL -- A federal probe aims to see if hazardous waste at Great Kills Park will affect the future construction of a buried seawall and levee system on the East Shore.

That will be the initial focus of a longterm investigation into what might be done about high levels of radiation where the city dumped dangerous contaminants decades ago, officials said.

The city's Department of Sanitation will spend upwards of $10 million over the next four years on the overall remedial investigation and feasibility study at the 265-acre site, now operated by the National Park Service.

The five-year review is meant to help officials characterize the nature and extent of the contamination at Great Kills, where the city once used medical and sanitary waste to turn wetlands into recreational land along the waterfront.

Soil and water sampling for both radiological and chemical components will be conducted as part of the study, and options for future remediation will be evaluated.

Two common solutions to radiation include capping over the contaminants and excavation.

STUDY BEGINS THIS SPRING

The first phase of the investigation will begin this spring and concentrate on a 43-acre area within and along the northeastern perimeter of the park, said Kathleen Cuzzolino, an environmental protection specialist at the National Park Service.

This has been prioritized to see if any potential contamination requires cleanup before the U.S. Army Corps of Engineers starts building a $579 million seawall and levee system intended to protect Staten Island from flooding caused by storm surges. Construction of that project is supposed to begin in spring 2018.

"The NPS is currently working with federal, state and city agencies to finalize the work plans for field investigation to start this spring and run through the summer," Cuzzolino said.

Is the site dangerous?

Exposure to radium can cause cancer and improper handling of its sources can be harmful. This is why the National Park Service has closed off portions of park with elevated levels of radioactivity.

As part of the upcoming study, officials will also test for potential chemical contaminants of concern.

Findings from the first leg of the study are expected by the end of the year or early 2017.

The Army Corps, on behalf of the park service, awarded the contract for the study to the Virginia-based engineering service AECOM - Tidewater Joint Venture.

The first phase will cost $2.5 million and the total bill is expected to cost about $12 million.

The city will pay the whole cost under an agreement with the National Park Service, which is overseeing the investigation. This is meant to resolve the city's responsibility for dumping hazardous waste at the site in the 1940s.

HAZARDOUS WASTE

Between 1944 to 1948 the city used about 15 million cubic yards of fill and and waste to increase usable land at Great Kills. The debris contained radium -- a natural element once used in cancer treatments -- and that likely leaked over time

and contaminated surrounding soil.

Great Kills was transferred to the National Park Service in 1972. A police flyover found elevated levels of radioactivity at the park for the first time three decades later.

The contamination was eventually found to be widespread, contrary to early hopes of discrete pockets of radioactivity. Waste material is now thought to have mixed with both radiological and chemical contaminants, festering for decades.

A National Park Service survey found more than 1,200 radioactive areas across the park.

The public can read about the contamination at the Great Kills library branch and the Staten Island Museum's environmental collection. The National Park Service will also present an update to Community Board 3 on April 12 and Community Board 2 on May 19.

Universal cooperation needed to keep our waterways clean
03/31/2016
Observer-Dispatch

Would anyone in his or her right mind really have to think about a proposal to prohibit sewage-dumping from boats into the St. Lawrence River?

Boats are currently allowed to dump their toilets into the river waters - and it's hard to believe that hasn't changed by now. Thankfully, it's about to.

The U.S. Environmental Protection Agency has determined that a "no discharge zone" can be established for the New York portion of the river after the state Department of Environmental Conservation petitioned the EPA to take that action.

The EPA says sewage discharge from boats can contain harmful levels of pathogens and chemicals that can hurt water quality, pose a risk to people's health and damage fish and wildlife. The state and federal agencies determined that the St. Lawrence has enough pump-out facilities to remove waste from all types of vessels.

Creating a "no discharge zone" is a good step, but there's more work to be done. The St. Lawrence is one of the longest rivers in North America - 744 miles from Lake Ontario into the worlds largest estuary, the Gulf of St. Lawrence, according to the advocacy group Save the River, Clayton, outflow for the entire Great Lakes system. The river provides drinking water to local municipalities on both sides and plays a major role in tourism for communities along its banks.

If the St. Lawrence is to truly be kept clean, there needs to be universal cooperation to do so because the current regulation makes about as much sense as those early no-smoking policies that allowed smoking on one side of the room but not the other. To think that pollutants won't cross the room - or in this case, the river - is simply idiotic.

For instance, last November Montreal, Canada's second-largest city, dumped billions of gallons of raw sewage into the St. Lawrence while repairs and improvements were made to the city's wastewater system.

"It's surprising, disgusting and outrageous that the city of Montreal took this path, which is the least costly alternative for them," said Save the River's Lee Willbanks. "If Montreal does it, others municipalities might do the same."

Also, the latest "no discharge zone" proposal doesn't include a three-mile portion of the river that passes through the St. Regis Mohawk Reservation because the state DEC does not have the authority under the federal Clean Water Act to establish a zone there.

Cheers to New York for its responsible environmental efforts. Unfortunately, until everyone is on the same page, this valuable resource will be threatened.

SEND COMMENTS

The EPA is taking public comment on its proposed approval of a "no discharge zone" until April 25. They can be emailed

to Moses Chang at chang.moses@epa.gov or faxed to him at 212-637-3891. Comments may also be mailed to Moses Chang, U.S. EPA Region 2, 290 Broadway, 24th Floor, New York, N.Y. 10007-1866.
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Gene Chague | Berkshire Woods and Waters: Old-growth forest may be imperiled
04/01/2016
Berkshire Eagle, The

In 2007, the Massachusetts Department of Conservation and Recreation spent $5.2 million to purchase the 900-acre Spectacle Pond Farm located between the Otis State Forest to the north and the Clam River watershed to the south in Sandisfield.

It contains pristine old-growth forest, including Eastern hemlock trees that predate the Pilgrims' arrival at Plymouth. The land also includes Lower Spectacle Pond, a 62-acre lake that is one of only two large lakes in the Berkshires with an undeveloped and unprotected shoreline.

The DCR had identified the property as one of the most significant land protection purchases in the state. The land is included in the state's BioMap and Living Waters plans as being of statewide ecological significance. Article 97, an amendment to the Massachusetts Constitution, shields such state-designated land from development.

Kinder Morgan's Tennessee Gas Co. wants to install a four-mile pipeline loop that cuts through that state-protected land in Sandisfield. They want to take some of this land by eminent domain. FERC (Federal Energy Regulating Commission) approved the plans. To date, our state legislators have not approved the easements for the Sandisfield loop.

Kinder Morgan then sought an injunction to allow the immediate tree-cutting in the Sandisfield section and has named the DCR and its commissioner Leo P. Roy among the defendants. That, in turn, has prompted state Attorney General Maura Healey's office to get involved and represent the state and the DCR.

"Our state Constitution protects conservation land across Massachusetts including Otis State Forest," Healey said in a statement to The Berkshire Eagle. The tree-cutting permit has since been denied or at least delayed by FERC.

Last week, a Berkshire Superior Court ruled in favor of an Attorney General's Office motion and instituted a two-week delay against Kinder Morgan's injunction to start cutting trees immediately.

In a joint statement, state Sen. Benjamin Downing and state representatives William "Smitty" Pignatelli, Stephen Kulik, Gailanne M. Cariddi and Paul W. Mark opposed the project " for environmental, economic, public safety and public health reasons."

The joint statement went on to say, "While it is clear the ultimate power in permitting and approving the project rests with the federal government, in the FERC, it is our responsibility as state legislators to speak for our communities. As such, we have come to the conclusion that while building the Northeast Direct Gas Pipeline would provide the economic benefit of providing good jobs with good wages for local labor, the project as a whole is not in the public interest. We can and should do better."

Pignatelli carried it a step further and contacted Healey's office as well as Lt. Gov. Karyn Polito and U.S. Rep. Richard Neal seeking intervention to block the pipeline loop. Kudos to our legislators for their action.

Perhaps that action was partly prompted by the words of late U.S. Rep. Silvio O. Conte wherein he once stated in an oft-quoted speech: "Ducks can't vote, trees can't vote; neither can salmon, flowers, mountains or rivers. It is incumbent upon us to take on this weighty responsibility to serve them as our greatest constituency."

Kudos also to the Sandisfield Taxpayers Opposing the Pipeline (STOP) for filing a notice of intent to sue FERC for failure to comply with the Clean Water Act and Article 97 which would have helped to protect those resources.

So where does Gov. Charlie Baker stand on this issue? Surely there are local hunters, fishermen and conservationists who

are concerned that he has not weighed in to protect this "greatest constituency." Perhaps it is time they make their feelings known on this issue.

The Massachusetts/Rhode Island Council of Trout Unlimited already has. In a recent message from Chairman John Troiano to its 3,000 statewide members, he wrote: "These events set a precedent for the Northeast Energy Direct Project (NED), a pipeline project that directly affects cold-water habitat, and TU is already involved as an intervener. NED would impact numerous watersheds in Massachusetts, comprising several thousand acres. This will affect numerous privately conserved lands where landowners have transferred rights to the general public, with the help of land trusts, through the use of a Conservation Restriction (CR) or Agricultural Preservation Restriction (APR). If FERC is able to successfully assert its federal preemptive power over Article 97, no conserved land, either public or private, would be safe from development."

He urged members to contact DCR Commissioner Leo Roy as soon as possible. Also, write Gov. Baker, Environmental Secretary Matthew Beaton, your state representatives and Congressional delegation, and ask them to fight for Article 97 and the Commonwealth's authority to protect conservation land

A Berkshire Eagle letter to the editor by Jennifer Ryan, the director for policy for the Trustees of Reservations, says it all. In that March 25 letter "Land is not protected to provide for pipelines," she wrote, "Public parkland wasn't set aside as the cheapest route for private infrastructure projects. Pipelines can be moved, old-growth forests and pristine ponds cannot."

MAHWAH READY FOR PIPELINE LEGAL FIGHT
04/01/2016
Record & Herald News, The

MAHWAH -- The Township Council is budgeting up to $4,700 to join a group of municipalities preparing to wage a legal fight, if needed, against a proposed interstate oil pipeline.

"In the bigger scheme of the budget, it's a very small item," said Council President John Roth, who added that Mahwah would spend the money only if at least three more municipalities join the 12-member group.

The Connecticut-based start-up company Pilgrim Pipeline LLC wants to build dual 178-mile underground pipelines to ship crude oil from trains arriving in Albany, N.Y., to the Bayway Refinery in Linden, N.J., where it would be processed into fuel and shipped back to New York.

The proposal has generated opposition from dozens of communities along the proposed path, as well as from the New Jersey Legislature and county freeholder boards in North Jersey. Groups of concerned residents pushed for 11 municipalities, including Mahwah and Oakland, to adopt legally untested local ordinances banning interstate oil pipelines.

Unlike interstate natural-gas pipelines, the construction and routing of interstate oil pipelines lack federal oversight.

Although Pilgrim has not formally applied to New Jersey regulators, preliminary maps show it entering the state in Mahwah and passing through the environmentally sensitive Highlands region, which generates drinking water for millions.

The governmental group's members include representatives from municipalities in Morris, Union, Somerset and Essex counties, as well as Oakland and Mahwah.

Roth said Mahwah will ask lawyer John Scagnelli of the firm Scarinci Hollenbeck to develop an opinion about the role and authority of the New Jersey Highlands Council, the agency overseeing the mountainous region, in approving an interstate oil pipeline.

The group hopes to collect information about each municipality's natural resources and, based on that information, have Scagnelli draw up a "model ordinance" that would "offer greater protection than currently afforded by most of the ordinances" against the pipeline that have been adopted, Roth said.

"The attorney feels very strongly this would survive a court test," Roth said.

Scagnelli also would provide continual legal advice and representation before the state Department of Environmental

Protection -- "everything except litigation would not be covered by it," Roth said.

"Once legal has been signed onboard, we're going to consult with an expert witness, probably a hydraulic engineering firm," Roth said in an interview Friday. "We are having a number of conversations with different parties, including the Sierra Club. We will look at a number of issues, including water and the environment, and will be presenting that information through an expert at the DEP level with our attorney."

It is hoped that more municipalities join the opposition group, said Mayor Bill Laforet. "We will proceed forward on behalf of the community's concerns," Laforet said.

Roth said he has asked Bergen County Freeholder Chairman Steve Tanelli to have the board pass a resolution rescinding a permit allowing Pilgrim contractors to conduct a land survey at the county's largest park, Ramapo Valley Reservation, in Mahwah.

"He said he would take that under consideration," Roth said, adding he also asked for a notification system alerting municipalities "anytime someone is doing work in the town under the county's permit process, particularly in regards to Pilgrim Pipeline."

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Towns welcome water funding
04/01/2016
Daily Gazette, The

There's nothing like a water crisis story on television every night to make people wonder about their own water.

The alarming stories about perfluorooctanoic acid contamination in the public water supply in Hoosick Falls, and private wells in Pownal and North Bennington, Vermont, have been so prominent in the news that people are calling their local water systems wondering if they might be drinking PFOA water.

"We've had calls about it so we tested for it and it's non-detectable," said Ed Hernandez, executive director of the Saratoga County Water Authority.

Other local water sources around Schenectady, Saratoga and Amsterdam no doubt are the same, since PFOA is a pretty unusual chemical, associated with specific kinds of chemical manufacturing.

But all those communities have aging pipes -- and their vulnerability became clear in January, when a major delivery main broke in Troy, affecting communities in Saratoga as well as Rensselaer counties. Aging pipes are a problem found in every upstate municipal water system.

The new state budget will put more money into water system repairs and replacements.

An additional $100 million this year and also next year will go into the Water Infrastructure Improvement Act, a grant program launched in 2015. A total of $175 million will be available each year, to help communities address their water problems.

In one case where some of that money might come in handy, the towns of Halfmoon and Waterford never again want to go through the water shortage they went through in January, since they are customers of Troy.

The towns are supporting the Saratoga County Water Authority's effort to win $2 million in grant money to design and build a water line from the existing county terminus in Stillwater down into Halfmoon and Waterford.

The estimated cost is around $6.5 million. If the grant money comes through, the county authority and the two towns would figure out how to divvy up the rest of the cost.

Waterford officials hooked up to Cohoes water with hoses in January, and they're talking to Cohoes about making a permanent connection when the Route 32 bridge between the two communities gets replaced this year. At that point, Waterford Supervisor John E. Lawler noted, the town would have three different sources of water -- none of them the town's water treatment plant on the Hudson River, which was shut down nearly a decade ago because of fears about PCB contamination in the river.

Statewide environmental organizations issued statements Friday praising the governor and Legislature for the water funding increase.

"Water pollution is a significant threat to the quality of life and our environment throughout the state," said Jessica Ottney Mahar of The Nature Conservancy.

Adirondack advocates said the money will provide significant help to the small communities in the mountains, which lack the people to pay for new water systems.

"Most of the park's 130 rural communities have fewer than 1,000 residents to foot the bill," said Willie Janeway of the A dirondack Council. "All of them are willing to pay their fair share, but grants like these can bridge the gap between what they need and what they can afford."

electric vehicles

In a cool corner of the state tax code, the new budget provides that zero-emission and plug-in electric hybrid vehicles will qualify for a $2,000 per vehicle credit.

The Environmental Protection Fund will provide up to $5,000 for each electric vehicle a local government buys.

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Keeping New York City's Water Clean
04/02/2016
New York Times, The
Protecting the Source

The Catskill/Delaware watershed, which extends 125 miles northwest of the city, provides more than 90 percent of the city's water supply. The rest comes from the Croton watershed.

Safeguarding the city's water begins with protecting land that surrounds the streams, rivers, lakes and reservoirs.

The Catskill/Delaware watershed encompasses more than a million acres. The city, state and local governments and nonprofit land conservancies own 40 percent of the land.

The rest is privately owned, but development is regulated to prevent pollutants from getting into the water supply.

The city has also upgraded septic systems and wastewater treatment plants in communities around the watershed and helped build municipal salt sheds and manure sheds on dairy farms to prevent harmful runoff.

"We're treating things at the source, as opposed to at the end of the pipe," said Paul V. Rush, deputy commissioner of the city's Bureau of Water Supply.

As a result, the federal Environmental Protection Agency exempts water originating in the Catskill/Delaware watershed from its usual filtration requirements, a dispensation the agency gives to only a few other major cities.

An Engineering Marvel

The 92-mile-long Catskill Aqueduct, which plunges 1,100 feet underneath the Hudson River, was constructed a century ago.

It can take 12 weeks to a year for water to wind its way to the city from the streams, tunnels, dams and reservoirs in the Catskills. All of it is delivered to the city by gravity alone.

"Gravity's an important friend of ours," said Mr. Rush, the deputy commissioner, explaining that it "works nonstop" and is "energy efficient."

But the system is showing its age.

The city plans to spend $3.4 billion over the next five years for hundreds of projects to fix decaying infrastructure.

Among the items on the to-do list is a new tunnel to bypass a portion of the Delaware Aqueduct that has been leaking more than 18 million gallons a day for decades. When it is shut down for repairs in 2022, the city will rely on the Catskill system, as well as Croton, where a $3.2 billion filtration plant was turned on last year.

Monitoring and Testing

The Catskill and Delaware Aqueducts feed into the Kensico Reservoir, where robotic buoys transmit information about water quality. Chlorine, which kills bacteria, and fluoride, for dental health, are added.

Field scientists are constantly monitoring temperature, pH, nutrient and microbial levels.

Last year, robotic buoys recorded 1.9 million measurements, and field scientists collected 15,500 samples from reservoirs, streams and aqueducts upstate for analysis.

All of the data is fed into a centralized computer system, which also takes into account advanced weather forecasting to make determinations to predict the quality and quantity of water that day -- and even six months into the future -- at each reservoir.

One issue of concern to water experts is turbidity, or cloudiness of the water. Heavy rain and high winds can sweep fine particles of clay and silt into the system that can inhibit treatment of the water.

Climate change is a major factor, too. Fluctuating precipitation patterns, forest health and water temperature can drastically affect the quality of the water and how much of it is available.

High-Tech Treatments

Over a billion gallons of water a day pass through an ultraviolet disinfection facility in Westchester County, the world's largest.

The city's water is treated with chlorine, but the chemical can create harmful byproducts when mixed with organic compounds. In the 1990s, ultraviolet radiation was identified as a safe and effective supplementary treatment. But for it to be evenly applied, the water must be moving at constant speed.

The $1.54 billion plant uses a system of pipes to slow the water before it passes through one of 56 large containers that hold ultraviolet lights encased in quartz tubes that zap stomach-ravaging micro-organisms.

Meeting Demand

The Hillview Reservoir is the last stop before the city's water mains. Think of it as a 900-million-gallon bathtub, with enough water to supply the city for one day.

Before the water is sent on to the city, chlorine, phosphoric acid and sodium hydroxide are added to disinfect it and raise the pH levels to prevent pipes from corroding and releasing harmful metals, like lead.

Three main water tunnels then act like drains and whoosh water downhill. The force of the water coming through the tunnels creates enough pressure to send it up to the sixth floor of most buildings.

The construction of the third tunnel, one of the largest capital projects in the city's history, is being completed in phases. By the 2020s, the city says, the tunnel will carry water to all five boroughs -- and allow much-needed inspections on tunnels one and two, which have been in continuous use since they were built in 1917 and 1936, respectively.

The Grid

There most likely is at least one water main underneath every street in the city. Virtually every building in the city is then connected to the municipal system through smaller pipes called service lines.

The city's water main system is a 6,800-mile-long network of pipes. Some are large enough for a man to stand inside; almost all are made of iron and steel.

Last year the city spent more than $140 million, paid for by water and sewer fees, to operate the system.

The city regularly tests for contaminants, including lead, in its water mains. But there are at least 836,000 service lines, and the city estimates that 45,000 of them are made of lead. Other service lines may have pipes joined with lead soldering. Older buildings, especially, may also have plumbing or brass fixtures that contain lead.

According to the city's Department of Environmental Protection, all known lead service lines to city-owned properties -- including schools, libraries and parks -- were replaced from 2008 to 2010. But the city is working to identify and replace any that remain.

The State of City Water

There are about 1,000 water sampling stations throughout the city. Every day, field scientists visit 50 to check temperature, chlorine and pH levels, as well as the levels of certain chemicals that prevent pipe corrosion.

Scientists collected 31,700 water samples in the city last year. More than 383,000 tests were performed on them, either at the sampling stations or at a laboratory in Queens. Scientists looked for E. coli, which could indicate sewage contamination; Cryptosporidium and giardia, common culprits of stomach illnesses; and other bacteria.

They also checked for toxic metals like lead, organic contaminants and unregulated chemicals like perfluorooctanoic acid, or PFOA, a toxic chemical associated with the making of Teflon.

According to the city's annual water quality report for 2015, New York complied with all state and federal chemical limits.

The results of a federally mandated water testing program for families living in homes at risk for lead contamination raised concerns among some environmental advocates. Of the 350 samples collected in 2015, 6.6 percent exceeded the federal standard of 15 parts per billion. If more than 10 percent of samples exceed this standard, water systems must take steps to reduce lead levels.

The ideal (and costliest) solution is to replace lead service lines and plumbing, but landlords have the responsibility of identifying and replacing potentially harmful components.

Still Wondering About the Water?

Q. Should I worry about lead?

A. Water that has been sitting for long periods in building pipes poses the greatest potential risk; even overnight can be problematic. If you live in a home or apartment with older lead fixtures, pipes or service lines, you can reduce the potential for lead exposure by flushing your tap for 30 seconds to two minutes before using that water for drinking or cooking. (Save it for your plants.)

The EPA offers some guidance on how and when to obtain an in-home testing kit through your local water supplier. In New York City, residents can obtain one at no cost through 311.

For more information, visit www.epa.gov/safewater/lead, or call the Safe Drinking Water Hotline at 1-800-426-4791.

Q. How is drinking water regulated?

A. The federal Environmental Protection Agency sets limits for drinking water on more than 90 contaminants. Each state is responsible for making sure that public water systems meet these standards and may add additional criteria.

But there are tens of thousands of industrial chemicals that have never been tested for safety. And new ones are constantly being introduced.

The regulatory process is long. Periodically, the Environmental Protection Agency adds chemicals to a watchlist of unregulated contaminants that are potentially harmful. Researchers work their way down the list to determine whether the chemicals pose a risk and at what levels, and the feasibility of regulating them. Often, data on occurrences and health effects just isn't available.

The state's Department of Health, which applies federal standards and sets its own, has been criticized for failing to devote sufficient resources to the issue. Most recently, it came under scrutiny for what residents in upstate Hoosick Falls said was a delayed response in alerting them about elevated levels of perfluorooctanoic acid, an unregulated chemical used to make Teflon products, in their water.

Q. What makes it taste so good?

A. Thanks in part to the geology of the Catskill Mountains, which have very little limestone rock, the city's water contains low levels of bitter-tasting calcium.

As a result, New York has delicious bagels and pizza crust.

But only a fraction of the city's water is actually consumed. Most of it ends up in washing machines, dishwashers and fire hydrants. Water usage has actually decreased more than 30 percent since the 1980s. Modern toilets, faucets and showerheads use less water. The city has also hunted down and fixed leaks in water mains.

Sources Department of Environmental Protection; Eric A. Goldstein, lawyer for the Natural Resources Defense Council; Sidney Horenstein, geologist and environmental educator emeritus, American Museum of Natural History; Michael J. McGuire, professor and author of "The Chlorine Revolution"; Lynn Thorp, the national campaigns director for Clean Water A ctionHave a question about the city? Email: newyork101@nytimes.com
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The factory that supplied the country with chocolate goodies for nearly a century and employed generations of Fulton-area residents is coming down 13 years after Nestle closed the plant. A demolition crew recently began knocking down the part of the facility
04/02/2016
Post-Standard, The

The factory that supplied the country with chocolate goodies for nearly a century and employed generations of Fulton-area residents is coming down 13 years after Nestle closed the plant.

A demolition crew recently began knocking down the part of the factory that faces South Fourth Street, the main road leading into Fulton from Route 481. The Aldi supermarket chain plans to begin construction on part of the site in June.

Fulton Mayor Ronald Woodward Sr., who worked as a maintenance supervisor at the chocolate factory for 17 years until it closed in 2003, said he and many other residents have mixed feelings about the demolition.

"There's a lot of sadness," he said. "But people would rather not see it sitting there deteriorating."

The city seized theplant last fall for $1 million in back taxes from Phoenix resident Edward Palmer. He bought the 24-acre property in a bankruptcy sale after an attempt by a company from Ivory Coast to re-start chocolate making at the site failed in 2010.

Palmer, owner of Carbonstead LLC, demolished some of the factory before being convicted in federal court in 2013 of violating the Clean Air Act by improperly removing asbestos insulation from pipes in the building.

Infinity Enterprises has agreed to demolish the rest of the factory at no charge to the city. The company is making money by selling the scrap steel and bricks. The deal is saving the city about $3 million, Woodward said.

Until recently,none of the demolition could be seen from South Fourth Street, which carries 22,000 cars and trucks past the site each day. So few people believed it was really happening, Woodward said.

Henri Nestle, a German-born Swiss confectioner, built the factory in 1900 to make condensed milk and baby food. He chose Fulton for the factory because of its abundance of dairy farms, which supplied the plant with milk.

Nestle began making milk chocolate there in 1908 at the suggestion of chocolatier Daniel Peter, a neighbor of his in Vevey, Switzerland. In 1938, the plant produced the first Nestle Crunch bars.

Nestle built many additions over the years, the last in 1995, and employed 1,500 workers at its peak in the mid-1900s. Employment was down to 450 when the company closed the factory in May 2003.

Aldi paid $450,000 to buy part of the site at Fay and South Fourth streets. It wants to begin building its store June 1. Woodward said Infinity Enterprises expects to have that section of the factory demolished by then and will take down the rest of the plant while Aldi is building its store.

One section of the former chocolate factory will not be demolished - Building 30 on the north side of Fay Street. The city sold it last summer for $100,000 to Liverpool-based Spring Storage Park Inc., which plans to use it as a storage facility and a U-Haul dealership. The skybridge over Fay Street connecting the building to the rest of the factory will be removed.

The city is looking for buyers for the rest of the site. Woodward said there is interest, mostly from retailers, in the other portions of the property.

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Provide better answer on impact of PCB dredging
April 3, 2016
Daily Gazette

Depends on whom you ask? That's the answer from state and federal officials as to whether the PCB dredging of the Hudson River has achieved its goal of cleaning up the potential carcinogen and restoring plant and animal life to safe levels? Depends on whom you ask? The billion-dollar-project to dredge a good portion of the 1.3 million pounds of PCBs dumped into the river from General Electric Co. plants in Fort Edward and Hudson ...